



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2212: criminal damage; trespassing; critical facilities

Sponsor: Representative Griffin, LD 19

Committee on Judiciary

Overview

Creates criminal liability and sentencing classifications for aggravated criminal damage if a person interferes or prevents the performance of a normal function of utility infrastructure or property or the intended course or path of any utility service. Reclassifies sentencing provisions and makes various other changes relating to criminal trespass on or damage to utility property or other public service facilities.

History

Current statutes on criminal trespass and damage include specialized provisions for cases involving certain public service facilities, such as utilities.

A person can commit criminal trespass in the first degree by entering or remaining unlawfully on a critical public service facility, which is a class 5 felony ([A.R.S. § 13-1504](#)). A *critical public service facility* is defined in statute for purposes of this offense ([A.R.S. § 13-150](#)).

A person can commit criminal damage in two ways pertaining to utilities:

- 1) Recklessly damaging property of a utility, which is a class 4 felony if the damage amounts to \$5,000 or more; and
- 2) Intentionally tampering with utility property, which is also a class 4 felony if the damage causes an imminent safety hazard to any person ([A.R.S. § 13-1602](#)).

Current statute includes these offenses as bases for an armed nuclear security guard to use physical force against or detain a person at a commercial nuclear generating station under certain circumstances ([A.R.S. §§ 13-4903](#) and [13-4904](#)).

A person can commit aggravated criminal damage by intentionally or recklessly defacing, damaging or tampering with any utility infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals. This offense is classified as follows:

- 1) A class 3 felony if the person causes \$10,000 or more in damages to the property;
- 2) A class 4 felony if the person causes \$1,500 or more but less than \$10,000 in damages to the property; and
- 3) A class 5 felony in all other cases.

The following variables must be considered in determining the amount of damages to property:

- 1) The cost of repair or replacement of the property that was damaged;
- 2) The cost of the loss of crops and livestock;
- 3) Reasonable labor costs of any kind;
- 4) Reasonable material costs of any kind; and
- 5) Reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property ([A.R.S. § 13-1604](#)).

The terms *damaging*, *defacing*, *tampering with utility property* and *utility* are all defined in statute for purposes of criminal damage and aggravated criminal damage ([A.R.S. § 13-1601](#)).

Provisions

1. Increases the felony classification from class 5 to class 4 for criminal trespass in or on a critical public service facility. (Sec. 1)
2. Raises the felony classification from class 4 to class 3 for criminal damage in the form of intentionally tampering with utility property if the damage causes an imminent safety hazard. (Sec. 2)
3. Imposes criminal liability for aggravated criminal damage if a person interferes with or prevents the performance of a normal function of utility infrastructure or property or the intended course or path of any utility service and classifies the offense as follows:
 - a) A class 2 felony if the person causes \$10,000 or more in damages to the property;
 - b) A class 3 felony if the person causes \$1,500 or more but less than \$10,000 in damages to the property; and
 - c) A class 4 felony in all other cases. (Sec. 3)
4. Raises the felony classifications for aggravated criminal damage in the form of defacing, damaging or tampering with a utility or agricultural infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals as follows:
 - a) From class 3 to class 2 if the person causes \$10,000 or more in damages to the property;
 - b) From class 4 to class 3 if the person causes \$1,500 or more but less than \$10,000 in damages to the property; and
 - c) From class 5 to class 4 in all other cases. (Sec. 3)
5. Includes the cost of the loss of the utility service among other variables that must be considered in determining the amount of damage to property for purposes of aggravated criminal damage. (Sec. 3)
6. Makes technical and conforming changes. (Sec. 2, 3, 4, 5)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note